

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FLATWORLD INTERACTIVES,

No. C -12-01956 JSW (EDL)

Plaintiff,

ORDER

v.

APPLE INC.,

Defendant.

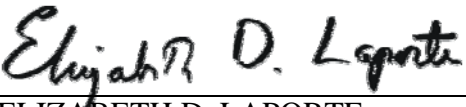
As part of the Court's April 22, 2013 ruling regarding Plaintiff's Motion to Compel, the Court ordered Defendant to file a declaration setting forth the burden associated with the relevant protective order and third party confidentiality issues that would arise from producing redacted versions of damages expert reports, whether initial, supplemental, or rebuttal, exhibits thereto, and trial testimony and exhibits thereto relating to damages, from the Motorola v. Apple litigation in the Northern District of Illinois. Defendant filed that declaration on April 23, 2013, and Plaintiff filed a response on April 26, 2013. The Court has reviewed the parties' filings and requires additional information.

In Defendant's declaration, counsel states that the expert in the Motorola litigation, Bruce Napper, submitted three expert reports, two of which relate to Defendant's claims of infringement. Counsel states that Napper's initial report contained confidential information from Motorola, as well as from 125 other third parties. According to counsel, the parties in Motorola agreed that a copy of Napper's initial expert report with all of Motorola's confidential information redacted could be shown to the clients in Motorola by virtue of an agreement between the parties. A redacted copy of the initial expert report was created. Counsel attests to the burden of seeking to redact all of the other third party confidential information. Peija Decl. ¶ 10.

1 However, as Plaintiff points out, the fact that confidential information from 125 third parties
2 was not redacted from the initial Napper report (when the Motorola confidential information was
3 redacted) before that report was shown to clients in that case tends to show that the third party
4 information may not be confidential and may not need to be redacted from the initial Napper report
5 before being produced to Plaintiff in this case. Defendant has not had an opportunity to respond to
6 this argument. Therefore, no later than May 10, 2013, Defendant shall file a declaration of no more
7 than two pages responding to this issue.

8 IT IS SO ORDERED.

9 Dated: May 6, 2013


ELIZABETH D. LAPORTE
United States Chief Magistrate Judge